

LIFESTYLE COMMUNITIES

vs.

CITY OF WORTHINGTON

Deposition of

Katherine Brewer

October 11, 2023



PRI COURT
REPORTING

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LIFESTYLE COMMUNITIES,)	
LTD., ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.
)	2:22-cv-1775
CITY OF WORTHINGTON,)	
OHIO,)	
)	
Defendant.)	

DEPOSITION
of KATHERINE BREWER

Taken at Worthington City Hall
6550 North High Street
Worthington, Ohio 43085
on October 11, 2023, at 10:32 a.m.

Reported by: Rhonda Lawrence

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1 APPEARANCES:

2

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STIPULATIONS

It is stipulated by and between
counsel for the respective parties that the
deposition of KATHERINE BREWER, the witness
herein, called by the Plaintiffs under the
applicable Rules of Federal Civil Court
Procedure, may be taken at this time by the
stenographic court reporter and notary public
pursuant to notice; that said deposition may be
reduced to writing stenographically by the court
reporter, whose notes thereafter may be
transcribed outside the presence of the witness;
and that the proof of the official character and
qualification of the notary is waived.

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1 KATHERINE BREWER

2 being first duly sworn, as hereinafter
3 certified, deposes and says as follows:

4 CROSS-EXAMINATION

5 BY MR. INGRAM:

6 Q. Please state your name for the record.

7 A. My name is Katherine Barrett Brewer.

8 Q. And good morning, Ms. Brewer. I know we
9 just met. My name is Chris Ingram, and I
10 represent Lifestyle Communities. For ease of
11 reference during your deposition this morning,
12 I'm going to refer to my client as Lifestyle or
13 LC.

14 A. Okay.

15 Q. Do you understand who I'm referring to?

16 A. I do.

17 Q. Okay. Now, you're an attorney, correct,
18 Ms. Brewer?

19 A. That is correct.

20 Q. All right. And so you taken depositions
21 before yourself?

22 A. I have been present at a deposition
23 where another attorney took one, but I have not
24 taken an actual deposition to date.

1 Q. All right. So have you ever been
2 deposed before?

3 A. No, I have not.

4 Q. Okay. So why don't we then walk through
5 some of the ground rules for your deposition
6 this morning.

7 A. Okay.

8 Q. So first of all, if you do not
9 understand one of my questions, please let me
10 know. Let me know what it is that you don't
11 understand and I'll do my best to either restate
12 it or rephrase it. Okay?

13 A. Okay.

14 Q. And if you don't ask me to restate or
15 rephrase one of my questions, we're all going to
16 assume that you understood my question. Fair?

17 A. Yes, sir.

18 Q. And if -- I guess, I should say that
19 we're joined this morning by Ms. Lawrence, who's
20 our court reporter, and she is preparing a
21 transcript of everything that is spoken, and so,
22 therefore, I'll be asking the questions, and
23 when you're responding -- you know, you're
24 nodding your head right now. Ms. Lawrence can't

1 record head nods or body language, and so if you
2 can respond verbally, that will help us create a
3 good transcript. Okay?

4 A. Yes, sir. Understood.

5 Q. All right. And so along that same vein,
6 it's important that we don't talk over each
7 other. And so I will do my best to wait until
8 you've finished providing your answers before I
9 start my questions, and if you could do the same
10 in waiting for me to finish my question before
11 you start your answer, that will help
12 Ms. Lawrence. Okay?

13 A. Yes, sir.

14 Q. And to the extent you need a break at
15 any time, I'll need you to finish answering any
16 question that's pending, and then we'll see what
17 we can do about, you know, when it would make
18 sense to take a break. Okay?

19 A. Yes, sir.

20 Q. And it's important that we get your
21 full, complete and accurate testimony this
22 morning. So I have to ask you, have you taken
23 any medication or drugs that would in any way
24 make it difficult for you to understand and

1 answer my questions today?

2 A. No, I have not.

3 Q. Okay. So is there any reason at all
4 that you cannot give your full, complete and
5 accurate testimony this morning?

6 A. No, there is not.

7 Q. And you understand earlier you swore an
8 oath for your deposition today. Do you
9 understand that's the same oath that you would
10 be asked to swear if you -- when you testify in
11 court in this matter?

12 A. Yes, sir, I do.

13 Q. Okay. Ms. Brewer, is Mr. Schumacher
14 here your lawyer today?

15 A. Yes, he is.

16 Q. What did you do to prepare for your
17 deposition this morning?

18 A. I spoke with Mr. Schumacher.

19 Q. Okay. Did you speak to anyone else in
20 order to prepare for your deposition?

21 A. No, I did not.

22 Q. And when did you speak to Mr. Schumacher
23 to prepare for your deposition?

24 A. I don't recall the exact date, but I can

1 verify it was last week.

2 Q. Okay. So last week. And did you review
3 any documents to prepare for your deposition
4 this morning?

5 A. I reviewed minute notes from a previous
6 City Council meeting held on January 18th of
7 2022.

8 Q. Did you review any other minute notes?

9 A. No, sir, I did not.

10 Q. Did you review any other documents to
11 prepare for your deposition this morning other
12 than the minutes from City Council's January 18
13 meeting?

14 A. I reviewed one email from a resident
15 that had asked me follow-up questions about what
16 had happened at the January 18th resident [sic],
17 and I read my response to this resident.

18 Q. Do you recall the resident's name?

19 A. I do not.

20 Q. And when was that email response?

21 A. I do not recall the exact date.

22 Q. Did you review any other documents in
23 connection with your preparation for deposition
24 this morning?

1 A. No, I did not.

2 Q. Did you text message or in any way
3 communicate with anyone else about your
4 deposition this morning?

5 A. No, I did not.

6 Q. Have you reviewed the court filings in
7 this case?

8 A. Yes, I have.

9 Q. What court filings have you reviewed?

10 A. I have reviewed the complaint and all of
11 the other docket entries for this lawsuit a few
12 times.

13 Q. So when you say docket entries, did you
14 review the actual filings, or just the docket?

15 A. I reviewed the filings associated with
16 the docket entries.

17 Q. Thank you.

18 A. You're welcome.

19 Q. So Ms. Brewer, let's just briefly
20 discuss your background. How long have you
21 lived in Worthington?

22 A. Since March 28th and 29th of 2016. My
23 husband and I also had a 10-month stint in
24 Worthington from November 2011 until August 2013

1 [sic].

2 Q. That's very specific.

3 A. I remember weird dates.

4 Q. Okay. What triggered you all to move
5 back to Worthington in 2016?

6 A. Family.

7 Q. Okay. Was it your family, your
8 husband's family?

9 A. Both. My in-laws live in Worthington
10 Estates, and my parents live by Thomas -- excuse
11 me, Worthington Kilbourne.

12 Q. All right. So are you from Worthington?
13 Did you live here before 2011?

14 A. I grew up in the neighborhood next to
15 Worthington Kilbourne. Powell mailing address,
16 but Worthington schools.

17 Q. Okay. When did you graduate from
18 Wittenberg University?

19 A. In 2007. 2007. May of 2007.

20 Q. And when did you graduate from law
21 school?

22 A. In May of 2011.

23 Q. And you have your own law practice,
24 correct?

1 A. That is correct.

2 Q. What areas of the law do you focus in on
3 with your practice?

4 A. We focus on consumer bankruptcies,
5 Chapter 7, Chapter 13, student loan workouts,
6 and debt settlement.

7 Q. Okay. Does your law practice in any way
8 entail land use or zoning matters?

9 A. No, sir.

10 Q. Did you take any courses in law school
11 regarding land use law?

12 A. The only class that I believe would fall
13 under that category is real property law.

14 Q. So general real property?

15 A. Correct.

16 MR. SCHUMACHER: I remember that. I
17 think I got an A in that course.

18 Q. So Ms. Brewer, do you have any
19 professional experience with land use or zoning
20 matters?

21 A. No, sir, I do not.

22 Q. When were you elected to Worthington
23 City Council?

24 A. I won my election in November of 2021,

1 and I was sworn in in January of 2022. I don't
2 remember the exact date.

3 Q. Prior to serving on City Council, did
4 you serve on any other governmental boards or
5 commissions?

6 A. I do not believe I have.

7 Q. Did you ever work for any political
8 subdivisions?

9 A. No, I do not believe that I have.

10 Q. And did you hold any elected office
11 prior to your position with City Council?

12 A. No, I have not.

13 Q. When was the first occasion that you ran
14 for City Council? Was it the November election
15 of 2021?

16 A. I initially decided to run in December
17 of 2020.

18 Q. So what prompted your decision in
19 December of 2020 to run for council?

20 A. Ironically, I was pursuing a term limits
21 initiative for City Council members, and that's
22 what started this all. And through that
23 process, I was approached about running for City
24 Council by a current councilmember, and that is

1 what began all of this.

2 Q. Okay. And was that Ms. Dorothy?

3 A. No.

4 Q. Which councilmember approached you to
5 run?

6 A. It was David Robinson.

7 Q. And how did you come to know
8 Mr. Robinson?

9 A. I had reached out to all of the current
10 City Council members about their thoughts on
11 their support of a term limits initiative. I
12 had initially sent emails to each one of them.
13 The only one I never actually spoke with was
14 Scott Myers. But they all had responded in
15 support or opposition to that, and that's how I
16 met Mr. Robinson.

17 Q. Okay. And when did Mr. Robinson
18 approach you about potentially running for City
19 Council?

20 A. I do not recall.

21 Q. Would it have been months or weeks prior
22 to December 2020, or was it around that same
23 time frame?

24 A. It would be between September of 2020

1 and the end of the year.

2 Q. When is your current term up on City
3 Council?

4 A. It would be the first week of January,
5 year 2026. It's a four-year term, and it began
6 January of 2022.

7 Q. You can see me trying to do the math in
8 my head.

9 MR. SCHUMACHER: If we could do math,
10 we'd be doctors.

11 A. So that's my math face as well.

12 Q. So your term, you still have two and a
13 half years, give or take, left in your term?

14 A. That's correct.

15 Q. All right. And as you sit here today,
16 do you intend to run for re-election?

17 A. I cannot answer that question. I have
18 not decided.

19 Q. Okay. Fair enough.

20 Ms. Brewer, you are the president
21 pro-tem of Worthington City Council, correct?

22 A. That's correct.

23 Q. When did you become the president
24 pro-tem of council?

1 A. I believe it was the second meeting in
2 January of 2022.

3 Q. So is that January 18?

4 A. I'm not looking at a calendar, but if
5 that's the second Monday in January, that's when
6 I believe that happened. I can't recall the
7 date of the initial meeting that year.

8 Q. There's a -- there was an organizational
9 meeting on January 3rd. Then council, I
10 believe, met again on January 10th. And then
11 there's a meeting on January 18th. I'm not sure
12 if the organizational meeting counts or not.

13 A. It would have either been the 10th or
14 the 18th, I believe. But certainly, I can't say
15 which one, but I believe one of those two.

16 Q. What does the president pro-tem position
17 entail, in your mind?

18 A. To the best of my knowledge, it is to
19 run the meetings when the president cannot be
20 present to do so.

21 Q. Okay. Any other responsibilities for
22 the president pro-tem position?

23 A. To the best of my knowledge, no.

24 Q. And how did it come to be that you were

1 named the president pro-tem?

2 A. It was suggested by another
3 councilmember that I apply for the position of
4 my colleagues.

5 Q. And which councilmember made that
6 suggestion?

7 A. David Robinson.

8 Q. And how did you apply to the other
9 members of council?

10 A. Whichever date in question, whether it
11 be January 10th or January 18th, those that
12 wanted to apply made a small speech to our
13 colleagues asking for their support, and I was
14 chosen for that role.

15 Q. Did any other members of council, I'll
16 call it, run for the pro-tem position?

17 A. Yes.

18 Q. And who else ran for it?

19 A. It was Councilmember Beth Kowalczyk.

20 Q. And who supported you for the pro-tem
21 position?

22 A. I believe it was myself, Mr. Robinson,
23 Mr. Bucher, and Mr. Smith.

24 Q. So it was 4-3?

1 A. Yes.

2 Q. Okay. You are City Council's
3 representative on the Municipal Planning
4 Commission, correct?

5 A. Currently, yes.

6 Q. And City Council has a representative on
7 planning commission. Are you also a
8 representative for the Architectural Review
9 Board since they meet jointly?

10 MR. SCHUMACHER: Objection. Compound.

11 Q. You can answer.

12 MR. SCHUMACHER: Which question?

13 Q. You can answer.

14 MR. SCHUMACHER: Do you know which
15 question he's asked you to answer?

16 THE WITNESS: I believe he's asked me
17 three different questions: If I'm a
18 representative to the Architectural Review
19 Board, yes. Whether or not they have a joint
20 representative, yes. And whether or not I am
21 also the liaison to the Municipal Planning
22 Commission, yes.

23 MR. SCHUMACHER: You're doing all the
24 work for him now.

1 Q. Thank you, Ms. Brewer.

2 For purposes of the record, does the
3 planning commission and Architectural Review
4 Board meet jointly; in other words, at the same
5 time?

6 A. Yes.

7 Q. Are there -- are the members the same on
8 both the planning commission and the
9 Architectural Review Board?

10 A. I don't know if there's any overlap, but
11 I believe generally at the meetings we attend
12 members of both are there.

13 Q. And when did you first begin serving as
14 City Council's representative to the planning
15 commission and Architectural Review Board?

16 A. In January of 2022.

17 Q. And what is your role as council's
18 representative to -- I'll start with planning
19 commission, what does your role as the liaison
20 to the planning commission entail?

21 A. My role as liaison to the MPC, Municipal
22 Planning Commission, is to attend the
23 semi-monthly meetings held, relay information
24 from City Council that I believe is pertinent to

1 the MPC, and also take back information to City
2 Council that -- decisions the MPC has made,
3 items that are on the agenda. And I'm invited
4 to partake in the discussions if I see fit, but
5 I do not get a vote in any of the decisions that
6 they make.

7 Q. And how about your role as the City
8 Council representative to the Architectural
9 Review Board?

10 A. My role with the ARB, the Architectural
11 Review Board, is to bring information from those
12 meetings back to City Council, pertinent
13 information from City Council meetings to the
14 ARB, opine on any discussions we are having, but
15 I do not have a vote.

16 Q. So similar responsibilities for both
17 boards; is that fair?

18 A. Correct, yes.

19 Q. And so from time to time the planning
20 commission is called upon to make
21 recommendations to City Council, correct?

22 A. Yes.

23 Q. Including in rezoning matters, correct?

24 A. Yes.

1 Q. As City Council's representative to the
2 planning commission, have you ever directed
3 members on how to vote on zoning matters that
4 are before the planning commission?

5 A. Never.

6 Q. Why not?

7 A. Because that's not my role.

8 Q. Do you ever tell members of the planning
9 commission your thoughts on how to vote on a
10 zoning matter that's pending before the planning
11 commission?

12 A. Never.

13 Q. And why not?

14 A. That's not my role.

15 Q. Are you aware of any instances where
16 your fellow councilmembers have directed the
17 members of the planning commission how to vote
18 on zoning matters that are before the planning
19 commission?

20 MR. SCHUMACHER: Objection. Relevance.
21 We're talking about January of 2022 to
22 the current time?

23 Q. You can answer.

24 A. Yes.

1 Q. Okay. And which instance -- which
2 instances are you familiar with?

3 A. An email from Mr. Robinson. I don't
4 remember the specific recipient, but I am aware
5 it was someone on the Municipal Planning
6 Commission or the Architectural Review Board.

7 Q. Do you remember the timing of
8 Mr. Robinson's email to the planning commission
9 member or Architectural Review Board member?

10 A. It was prior to the meeting at which the
11 ARB and MPC denied the most recent proposal from
12 LC.

13 Q. Okay. And that was before you were a
14 member of council, correct?

15 A. Correct.

16 Q. So how did you come to learn about
17 Mr. Robinson's email?

18 A. He told me about it.

19 Q. When did he tell you about it?

20 A. I don't recall the exact date, but prior
21 to that ARB/MPC meeting, in which the most
22 recent proposal was denied. It was prior to
23 that meeting.

24 Q. And why were you and Councilman Robinson

1 talking about the Lifestyle's application that
2 was pending before the planning commission at
3 that time?

4 A. At the time we were friends, and we
5 watched the meeting together.

6 Q. Where were you when you watched the
7 meeting together?

8 A. We were at my home.

9 Q. Okay. Why did you have Mr. Robinson at
10 your home to watch the planning commission
11 meeting that -- concerning Lifestyle's rezoning
12 application?

13 A. I was curious. I knew, if elected,
14 which at that point I hadn't been, that it would
15 be something I would be looking at as a
16 potential councilmember and an issue that I knew
17 I would be discussing.

18 Q. Okay. Did you take any positions with
19 respect to Lifestyle's zoning application when
20 it was pending before the planning commission?

21 A. My personal opinion was that I was not a
22 supporter of the project itself.

23 Q. Okay. And why is that?

24 A. Based on what I had seen since being a

1 resident in Worthington since 2016, the project
2 itself didn't seem to fit in the space that it
3 was being proposed for.

4 Q. Okay. Can you elaborate on your view
5 there? When you say it didn't seem to -- the
6 project didn't seem to fit the space that it was
7 being proposed for, what do you mean by that?

8 MR. SCHUMACHER: Objection. Relevance.

9 A. My vision for that property personally,
10 before I was elected, I wanted to see
11 residential housing, commercial, and green
12 space. And my in-laws live in that
13 neighborhood, and the esthetic feel of the
14 number of units being proposed didn't seem --
15 for less of a better word, to vibe with the
16 current neighborhood.

17 Q. Okay. And your in-laws, you said they
18 live in that neighborhood. Where do they live
19 in proximity to the UMCH property?

20 A. They live on Alloway West, a few streets
21 away from the LC property.

22 Q. Now, you said your vision then in your
23 last response. It would imply to me that
24 perhaps your views have since changed; is that

1 fair?

2 A. No, they are still the same.

3 Q. Still the same? Okay.

4 A. Correct.

5 Q. So when you and Councilman Robinson were
6 watching the planning commission meeting, what
7 did Mr. Robinson tell you about Lifestyle's
8 application at that time?

9 MR. SCHUMACHER: Objection. Hearsay.

10 A. I do not recall.

11 Q. What did you tell Mr. Robinson about
12 Lifestyle's application -- I'm sorry, what did
13 you tell Mr. Robinson -- yeah -- about
14 Lifestyle's application when he was at your home
15 and you all were watching the planning
16 commission meeting?

17 A. I was in general agreement with what
18 members of the community that had joined in
19 virtually were indicating. I was in agreement
20 with what the members of the ARB and MPC had
21 been saying, that it just wasn't -- as the
22 current project sat, it wasn't appropriate for
23 the land it was proposed on.

24 Q. Okay. When you say you agreed with the

1 members' views on what was appropriate for the
2 property, what are you basing on what's
3 inappropriate or appropriate; in other words,
4 are there any standards or guidelines that
5 you're applying?

6 A. I was thinking about the residents.
7 That is mostly who I had been speaking to in my
8 campaign about what their thoughts were, and so
9 balancing what residents had been telling me
10 about their thoughts for the property, that was
11 the main source of information I was relying on.

12 Q. Okay. So residents' views and opinions
13 that you had discussed the LC proposal
14 formulated your views on what was appropriate or
15 inappropriate for the development of Lifestyle's
16 property; is that fair?

17 A. Correct. Either the residents I spoke
18 directly with or that I saw emails that had been
19 written to the city about the specific property.

20 Q. Anything else?

21 A. To the best of my knowledge, no.

22 Q. Now, earlier I asked you about instances
23 where fellow councilmembers had directed MPC on
24 how to vote on matters that were pending before

1 the MPC. And you raised the email from
2 Mr. Robinson. Were there any other instances
3 that you can think of?

4 A. To the best of my knowledge, no.

5 Q. In connection with your role as City
6 Council's representative to the planning
7 commission, do you ever meet with planning
8 commission members about zoning matters that are
9 before them outside of public hearings?

10 A. Never.

11 Q. And why not?

12 A. That's inappropriate.

13 Q. If I were to ask you the series of last
14 questions as they pertain to the members of the
15 Architectural Review Board, would any of your
16 answers be different?

17 A. No, they would not. They would remain
18 the same.

19 Q. Okay. And I should have pointed this
20 out earlier for purposes of our record, but when
21 I refer to either the UMCH property, Lifestyle's
22 property, or the property, do you understand
23 that I'm referring to the property directly
24 across the street from where we are today? Do

1 you understand that?

2 A. Yes. You made sure of that in the
3 beginning, and I understand.

4 Q. Okay.

5 MR. SCHUMACHER: Again, object, because
6 [inaudible] --

7 THE WITNESS: well, Ukraine. Or not
8 Ukraine. Israel.

9 MR. SCHUMACHER: No, it went up. It was
10 down last week, and then it went up. It keeps
11 going up.

12 BY MR. INGRAM:

13 Q. When do you recall first following the
14 redevelopment of the UMCH property?

15 MR. SCHUMACHER: You're asking her as a
16 citizen?

17 MR. INGRAM: I'm asking her as her.

18 A. At some point in the year 2020.

19 Q. Okay. And what triggered your curiosity
20 in 2020?

21 A. That it had been sitting vacant for
22 quite a while.

23 Q. Do you recall in January of 2021 signing
24 to receive updates from the planning commission

1 and Architectural Review Board hearings on
2 Lifestyle's application?

3 A. I don't recall signing up for that.

4 --0--

5 (Deposition Exhibit 51 marked.)

6 --0--

7 MR. SCHUMACHER: what are we at here?

8 MR. INGRAM: 51.

9 MR. SCHUMACHER: 50?

10 MR. INGRAM: 51.

11 MR. SCHUMACHER: Hold on.

12 BY MR. INGRAM:

13 Q. So while you're reviewing the document I
14 handed you, Ms. Brewer, for purposes of the
15 record, you've been handed what's been marked as
16 Exhibit 51, which is an email from Rachel -- an
17 email chain from Rachael Dorothy to Katherine
18 Brewer, dated January 8th, 2021. Take your time
19 to review the Exhibit 51.

20 Ms. Brewer, first of all, is
21 kbrewer@woodbrewerlaw.com your email address?
22 Was it in January of 2021?

23 A. Yes, it is.

24 Q. Okay. So did you receive this email

1 from Councilwoman Dorothy?

2 A. It appears that I did.

3 Q. Do you recall receiving it?

4 A. Yes.

5 Q. And at the time Ms. Dorothy wrote to
6 you, just double-checking, you have signed up
7 for all these meeting updates already, correct?
8 Do you see that?

9 A. I do.

10 Q. And she's referring to the planning
11 commission and Architectural Review Board
12 meeting updates with respect to Lifestyle's
13 application, correct?

14 A. Yes.

15 Q. And so did you sign up for those
16 updates?

17 A. I don't recall.

18 Q. What events led up to Ms. Dorothy
19 sending you this email?

20 A. As I indicated, I had reached out to all
21 the current councilmembers during the beginning
22 of my candidacy, and Rachael, I was trying to
23 make sure that I had information I needed to
24 stay up to date with things going on with the

1 city.

2 Q. Okay. I thought earlier you said that
3 you had reached out to councilmembers regarding
4 your term limits -- the term limits issue;
5 whereas, this is the Lifestyle's application.

6 MR. SCHUMACHER: Objection. That's not
7 what she said.

8 Q. And feel free to correct me if I've got
9 that wrong.

10 A. You are correct, I did reach out to them
11 for the term limits initiative, but I also
12 mentioned that in January of 2020 is when I
13 decided to announce that I was running for
14 council, and so, without speaking for her, I
15 believe Ms. Dorothy was sending this to make
16 sure I was informed about everything going on
17 with the city.

18 Q. Okay. And you said January of 2020.
19 Did you mean January of 2021, that you announced
20 for council?

21 A. No, I announced in January of 2020.

22 Q. Okay. I'm only confused, Ms. Brewer,
23 because when I asked you when you decided to run
24 for City Council, you said December 2020?

1 A. Yes. So I decided that I had wanted to
2 run in December, and I believe I made my
3 announcement at the end of December of 2020.

4 Q. Okay. Because you just said January of
5 2020, and that's what threw me off.

6 MR. SCHUMACHER: You did.

7 A. I apologize, then, yes. Yes, the date
8 of this email is correct. I apologize.

9 Q. Okay. So as of the date of the email
10 sent in Exhibit 51, you had announced your
11 candidacy for City Council, or were darn close
12 to doing so?

13 A. That is correct.

14 Q. Okay. Again, are you -- did you sign up
15 for the planning commission or Architectural
16 Review Board commission meeting updates with
17 respect to the Lifestyle application?

18 A. I don't specifically recall.

19 Q. And while that application was pending
20 before the planning commission, obviously you
21 and Mr. Robinson virtually attended the fall
22 meeting. Did you keep yourself abreast of
23 Lifestyle's application while it was pending
24 before the planning commission that year?

1 A. No, I did not.

2 Q. Did you attend any of the planning
3 commission or Architectural Review Board
4 hearings on Lifestyle's application other than
5 the October meeting?

6 A. I do not believe so.

7 Q. All right. If you could turn to Exhibit
8 6, please, in your binder in front of you. Take
9 a moment to review Exhibit 6, if you need.

10 Okay. Ms. Brewer, do you recognize
11 Exhibit 6 as Ordinance No. 4-2022?

12 A. Yes, I do.

13 Q. And do you recall City Council's
14 consideration of this ordinance based on your
15 review of the minutes from the January 18, 2022,
16 hearing?

17 A. Yes, I do.

18 Q. When's the first time you saw this
19 proposed ordinance?

20 A. At some point prior to the meeting on
21 January 18th, 2022.

22 Q. Okay. And the meeting on January 18th
23 was a Tuesday, because Martin Luther King day
24 was the day before. How far in advance of the

1 Tuesday hearing was the first time you reviewed
2 this proposed ordinance?

3 A. I believe a few days.

4 Q. So over the weekend?

5 A. Perhaps Sunday evening.

6 Q. When's the first time anyone discussed
7 with you the substance of this ordinance?

8 A. I do not specifically recall.

9 Q. Okay. Was it in prior -- prior to the
10 time that you reviewed a copy of this proposed
11 ordinance? Did you talk about it first?

12 A. Yes. It would have been before January
13 18th, but I don't recall the specific date.

14 Q. Okay. Who provided you with the initial
15 copy or first copy of this ordinance?

16 A. David Robinson.

17 Q. And how many versions of this proposed
18 ordinance existed, to your knowledge, prior to
19 its introduction at the January 18 meeting?

20 A. I do not know the answer to that.

21 Q. So is this the only one, as far as you
22 know?

23 A. To the best of my knowledge, yes.

24 Q. And was -- how did Mr. Robinson convey

1 or provide you with a copy of this proposed
2 ordinance?

3 A. He brought a copy to me at my home.

4 Q. Is it common for President Robinson to
5 bring you proposed legislative measures in
6 person to your home?

7 MR. SCHUMACHER: Objection. In her
8 tenure as a councilmember?

9 Q. You can answer.

10 A. I believe this is the only item, since
11 this was only my first week on council, that was
12 ever brought to my home in this manner.

13 Q. Has he ever done that since?

14 MR. SCHUMACHER: Objection. Relevance.
15 You can answer.

16 A. No.

17 Q. Was anyone else with Mr. Robinson when
18 he came to your home and provided you with a
19 copy of Ordinance No. 4-2022?

20 A. I can't recall.

21 Q. And what did President Robinson tell you
22 the evening that he brought this proposal to
23 your home?

24 A. That based on previous situations with

1 proposals presented by LC, that enacting a
2 moratorium, such as this, was the best way to
3 preserve public dialogue about the LC property.

4 Q. Okay. Anything else?

5 A. Not to the best of my knowledge.

6 Q. You had mentioned that there were prior
7 discussions about the substance of this
8 ordinance, this moratorium, proposed moratorium.
9 With whom did you discuss a proposed moratorium
10 on the future development of Lifestyle's
11 property prior to that evening?

12 A. I had had a phone call with Matt Greeson
13 and Tom Lindsey, and I believe Mr. Robinson was
14 on the call as well.

15 Q. And about when did that phone call
16 occur?

17 A. I can't recall. Prior to that weekend.
18 I just don't recall the exact date.

19 Q. Was it weeks or days before?

20 A. I don't recall.

21 Q. Okay. And so when Mr. Robinson came to
22 your house the Sunday before the 18th, you were
23 expecting -- it wasn't like it was a surprise
24 that he provided this ordinance to you; is that

1 fair?

2 A. That is fair.

3 Q. Okay. Did you do any research on
4 moratorium in connection with this proposed
5 ordinance set forth in Exhibit 6?

6 A. No, I did not.

7 Q. Did you provide any proposed changes or
8 ask for any changes to Exhibit 6 before it was
9 introduced to council?

10 A. I don't believe so.

11 Q. I should ask you, the phone call you
12 referenced with Messrs. Greeson, Lindsey and
13 Robinson, had you discussed the substance of
14 this proposed ordinance with anyone else before
15 that phone call?

16 MR. SCHUMACHER: Objection, to the
17 extent I caution you not to disclose any
18 communications with counsel.

19 Q. I'm not asking for the substance of any
20 communications. I'm just asking whether you had
21 prior discussions before that other -- the phone
22 call you referenced.

23 MR. SCHUMACHER: I'm not sure I
24 understand your question. I thought you said in

1 your question -- you asked about the substance
2 of the call. I'm just cautioning her not to
3 disclose any attorney-client communication.

4 A. No, I did not.

5 Q. Okay. Did you tell anyone about a
6 proposed moratorium concerning Lifestyle's
7 property before the January 18 meeting?

8 A. No, I did not.

9 Q. Did you share the proposed Ordinance
10 No. 4-2022 with anyone prior to the January 18
11 meeting?

12 A. No, I did not.

13 Q. Did you discuss the substance of
14 proposed Ordinance 4-2022 with anyone prior to
15 the January 18 meeting other than President
16 Robinson, Mr. Greeson, or Mr. Lindsey?

17 A. No, I did not.

18 Q. The ordinance set forth in Exhibit 6
19 only applies to the UMCH property, correct?

20 A. Correct.

21 Q. And what's your understanding of why
22 this moratorium is sought to be placed on
23 Lifestyle's UMCH property?

24 A. I was advised by Mr. Robinson that

1 events such as this had occurred before, and in
2 order to promote public dialogue, this was the
3 proper mechanism in which to do that.

4 Q. Okay. So you're referencing the prior
5 conversation you had with President Robinson the
6 Sunday before; is that fair?

7 A. Correct.

8 Q. Anything else?

9 A. To the best of my knowledge, no.

10 Q. What is your understanding of why the
11 ordinance set forth in Exhibit 6 was proposed as
12 an emergency?

13 A. I don't recall the nature of that.

14 Q. Feel free to re-review Exhibit 6.

15 A. As stated in one of the whereas
16 paragraphs on page 2, labeled Worthington
17 000528, the emergency measure permits the
18 temporary moratorium to be effective
19 immediately.

20 Q. Okay. Right. And so my question is:
21 Do you understand why an emergency was sought
22 for this moratorium?

23 A. You would have to ask Mr. Robinson, as I
24 believe he was the author of this. I can't

1 speak to his intent.

2 Q. So why didn't you share this proposed
3 ordinance with anyone prior to City Council's
4 hearing on the 18th?

5 A. I was advised not to.

6 Q. By whom?

7 A. By David Robinson.

8 Q. And what did President Robinson advise
9 you not to do?

10 A. Speak with anybody except councilmembers
11 about this.

12 Q. And did you speak with any
13 councilmembers about a proposed moratorium on
14 Lifestyle's property prior to the January 18
15 hearing?

16 A. I had spoken to Mr. Robinson and Pete
17 Bucher about it.

18 Q. Okay. Why did you speak to Mr. Bucher
19 about it?

20 A. To discuss the substance of the
21 resolution -- or of the ordinance, excuse me.

22 Q. Okay. And what did you discuss with
23 Mr. Bucher about it?

24 A. We discussed the fact that it would be

1 an emergency measure that would require six of
2 the seven to pass.

3 Q. Anything else?

4 A. I believe that's the extent of the
5 conversation.

6 Q. Why didn't you discuss those same
7 matters with any of your other councilmembers?

8 A. At the time, I didn't have relationships
9 with them at this point.

10 Q. Who's the other freshman councilmember
11 coming in at the same time as you?

12 A. Ms. Rebecca Hermann.

13 Q. So you didn't reach out to your
14 co-freshman, Ms. Hermann?

15 A. I did not.

16 Q. Did you have a relationship with her at
17 the time?

18 A. No, other than being newly elected
19 councilmembers, no.

20 Q. You voted for the ordinance set forth in
21 Exhibit 6, correct?

22 A. Yes, sir.

23 Q. And why did you vote for Ordinance
24 No. 4-2022?

1 MR. SCHUMACHER: Objection. Relevance.

2 A. I voted for it based on my belief at the
3 time that this was the best way to promote
4 dialogue about the property, and that is what I
5 wanted.

6 Q. Anything else?

7 A. No.

8 Q. How did a moratorium against the future
9 development of Lifestyle's property promote
10 dialogue about the property?

11 A. At the time it was my belief that it
12 would be a chance to engage with Lifestyles and
13 with residents, and it would essentially put a
14 pause on the building that was going on to allow
15 us to work together. New council, fresh start.
16 And that was my belief when I voted for this.

17 Q. Now, the dialogue and the back and forth
18 you're referencing, that can occur while an
19 application's pending, correct?

20 A. To the best of my knowledge, correct.

21 Q. Why don't you turn to the next exhibit,
22 Exhibit Number 7 in your binder, please.

23 A. Okay.

24 Q. Have you reviewed Exhibit 7?

1 A. Yes, sir, I have.

2 Q. Okay. And for purposes of the record,
3 Exhibit 7 is Resolution No. 4-2022. Do you see
4 that?

5 A. Yes, sir, I do.

6 Q. And City Council adopted Resolution
7 No. 4-2022 at that same January 18, 2022,
8 meeting, correct?

9 A. That is correct, sir.

10 Q. And you voted for it, correct?

11 A. Yes, sir, I did.

12 Q. In fact, you actually moved City Council
13 to adopt this resolution, right?

14 A. I cannot recall, but if that is what are
15 in the minutes, I trust that they are correct.

16 Q. Okay. Was this the first resolution you
17 ever moved council to adopt?

18 A. Yes.

19 Q. Resolution 4-2022 only applies to
20 Lifestyle's UMCH property, correct?

21 A. That is correct.

22 Q. And Resolution 4-2022 was not on the
23 January 18 meeting agenda, was it?

24 A. No, it was not.

1 Q. And I'm going to have very similar
2 questions about this resolution as I did the
3 prior ordinance. And so when did you first
4 receive a copy of the resolution set forth in
5 Exhibit 7?

6 A. I believe it was the same time I
7 received the ordinance for the moratorium, the
8 weekend prior to this vote.

9 Q. So did Mr. Robinson bring a copy of the
10 resolution along with the ordinance to you that
11 evening?

12 A. Yes, he did. I believe they were
13 together.

14 Q. And this resolution set forth in Exhibit
15 7 amends the City's comprehensive plan as it
16 pertains to the Lifestyle's UMCH property,
17 correct?

18 A. Correct.

19 Q. So you had discussed the Sunday evening
20 before the January 18 meeting both a moratorium
21 and amending the comprehensive plan as it
22 applies to Lifestyle's property; is that fair?

23 A. That's correct, sir.

24 Q. Did you discuss anything else as it

1 pertained to Lifestyle's property?

2 A. No, I can't recall that we would have.

3 No.

4 Q. Who, to your knowledge, received a copy
5 of this amendment to the comprehensive plan in
6 advance of the January 18 hearing?

7 A. I believe my colleagues on council.
8 That's the extent of my knowledge. I believe it
9 was only to them.

10 Q. Okay. Did you -- strike that.
11 who did you talk to, prior to your
12 meeting with Mr. Robinson at your house the
13 Sunday evening before, about an amendment to the
14 comprehensive plan as it pertained to
15 Lifestyle's UMCH property?

16 A. Mr. Robinson, Mr. Bucher, and I believe
17 that topic was brought up with Mr. Greeson and
18 Mr. Lindsey on the phone call I referenced
19 before.

20 Q. Okay. So in each of the conversations
21 that you referenced before in connection with
22 the moratorium, you also talked about amending
23 the comprehensive plan as it applied to
24 Lifestyle's property; is that fair?

1 A. That is correct, yes.

2 Q. Did you have any additional
3 conversations with anyone prior to the January
4 18 hearing about amending the comprehensive plan
5 as it applied to Lifestyle's property?

6 A. To the best of my knowledge, no.

7 Q. Did you share a copy of the proposed
8 amendment to the comprehensive plan as it
9 applied to Lifestyle's property set forth in
10 Exhibit 7 with anyone prior to the January 18
11 hearing?

12 A. No.

13 Q. Why not?

14 A. Because I was advised not to.

15 Q. And was that President -- President
16 Robinson advised you not to share any copy of
17 Resolution No. 4-2022 with anyone prior to the
18 hearing?

19 A. That is correct.

20 Q. And why not?

21 A. You would have to ask him as to why he
22 indicated that to me.

23 Q. Did City Council obtain the planning
24 commission's feedback on this amendment to the

1 comprehensive plan before the January 18
2 meeting?

3 A. I don't believe that would have been
4 obtained.

5 Q. Because it wasn't shared with anyone on
6 planning commission prior to that hearing; is
7 that fair?

8 A. I believe so. I personally did not
9 share anything with them, so I can't speak to my
10 colleagues, but I personally did not share this
11 with anybody on the MPC or the ARB.

12 Q. Why was Lifestyles not provided a copy
13 of this amendment to the comprehensive plan as
14 it applied to Lifestyle's property in advance of
15 the January 18 hearing?

16 A. I was advised that, because of a prior
17 circumstance, it would be best to not advise any
18 other party because previously, when something
19 similar to this had been done, a project was
20 introduced that ultimately was denied, and so it
21 was to attempt to ensure public dialogue on the
22 property and forward the project.

23 Q. Okay. Anything else?

24 A. To the best of my knowledge, no.

1 Q. When was the resolution set forth in
2 Exhibit Number 7 drafted?

3 A. You would have to ask the drafter.

4 Q. And who's that?

5 A. Mr. Robinson.

6 Q. Now, when Mr. Robinson provided you an
7 advanced copy of Resolution 4-2022, did you
8 propose any revisions or changes?

9 A. I don't believe I did.

10 Q. Why did you move your councilmembers to
11 adopt Resolution 4-2022? Why did you support
12 it?

13 A. I supported the language, as I thought
14 it would be a good guide for what I had heard
15 residents indicating they thought would be the
16 best use of that property, which I also shared
17 and share the same vision. Page 2 indicates
18 green space, commercial development and housing.
19 And those were and are my vision for that
20 property.

21 Q. Okay. Anything else? Any other reasons
22 why you support it?

23 A. No. I believe that's the extent of my
24 support.

1 Q. Okay. And so with respect to this
2 amendment to the comprehensive plan serving as a
3 good guide, from what you heard from residents,
4 are you referring to any particular residents?

5 A. Residents I had spoken with either
6 verbally, on the phone, or via email. I was
7 receiving a lot of emails at that time, so I
8 can't specifically point out any specific
9 resident.

10 Q. Did you keep track or a tally of the
11 residents' views that were communicated to you
12 at the time?

13 A. Can you specify what you mean by a
14 tally?

15 Q. Sure. You've indicated you heard from
16 lots of residents about the development of this
17 property. And so I'm just trying to ascertain,
18 you know, which residents are you referring to?
19 Is there some grand master that -- where you
20 kept notes, anything of that nature?

21 A. No. It was more of a bird's eye view of
22 the majority of residents I talked to, without a
23 specific number, that this amalgamation of green
24 space, commercial development and residential

1 housing was what most, but not a specific
2 number, generally wanted to see there.

3 Q. I want to direct your attention just
4 very briefly to Exhibit 1. And Exhibit 1 is
5 what I refer to as the land use plan that
6 pertains to Lifestyle's property which was the
7 September 2nd, 2014, amendment to the city's
8 comprehensive plan as it pertained to the UMCH
9 site. Do you see that?

10 A. I do see the document. Yes.

11 Q. And with respect to the resolution set
12 forth in Exhibit 7, the amendment in Exhibit 7
13 amends Exhibit 1, fair?

14 MR. SCHUMACHER: Objection. I don't
15 think there's any foundation for Exhibit 1.

16 But go ahead.

17 A. Can you ask your question again, please?

18 Q. You're reading through Exhibit 1. Feel
19 free to take your time. Let me ask you this:
20 Have you seen the land use plan in Exhibit 1
21 before?

22 A. Can you ask your first question again,
23 please.

24 MR. INGRAM: Do you want to read that

1 back, please, Ms. Lawrence.

2 (Record read as requested.)

3 A. I would generally agree that that is
4 fair.

5 Q. Okay. You say generally agree. What do
6 you mean by that?

7 A. Exhibit 1 is a specific focus on the
8 United Methodist Children's Home area, and the
9 purpose of Resolution 04-2022 was to amend that
10 specific portion of the comprehensive plan. So
11 yes.

12 Q. Okay. Is Exhibit 1 still in effect
13 following City Council's adoption of Exhibit 7?

14 MR. SCHUMACHER: Objection, to the
15 extent that calls for some legal conclusion.

16 You can answer.

17 A. My understanding is yes, it replaces
18 that specific -- Exhibit 7 ordinance replaces
19 the specific section in Exhibit 1 of the
20 comprehensive plan.

21 Q. Okay. So in your mind, Exhibit 1 no
22 longer exists; it was replaced by Exhibit 7?

23 A. Correct.

24 Q. All right. If you can turn back to

1 Exhibit 7. Directing your attention to the
2 first guiding principle that applies to the
3 future development of Lifestyle's property, do
4 you see that on page 1 of 2 of the amendment?

5 A. Yes. Beginning with, it is important?

6 Q. Yes. It is important that the
7 development of the property be considered and
8 executed holistically as an integrated whole.

9 A. I do see that, yes.

10 Q. As a member of council and the
11 representative to the planning commission, what
12 does that first guiding principle mean to you?

13 A. To me, personally, one councilmember,
14 when I see this principle, it's that we look at
15 the entirety of Worthington when deciding how we
16 would like to -- we -- I say we because a
17 decision also lands with MPC and ARB, but look
18 at the entirety of Worthington as we're making a
19 decision for the LC land.

20 Q. And when you say looking to the entirety
21 of Worthington, what are we looking to?

22 A. The esthetics of any buildings we might
23 construct, neighboring homes, ensuring that
24 development on that property was natural, if you

1 will, and that it's consistent with the rest of
2 the city. But if you didn't know that was the
3 most recently built property, you wouldn't know
4 it by driving through, because it looks as if it
5 had been there the whole time.

6 Q. Is there anything else?

7 A. No.

8 Q. Is there any guide or policy issued by
9 the city regarding the esthetics that you're
10 referencing?

11 A. I believe the design guidelines -- I
12 don't know the specific section, but the design
13 guidelines that the Architectural Review Board
14 and municipal planning look at and use when
15 making decisions give general principles for
16 what should be used to make decisions.

17 Q. Anything else other than the design
18 guidelines?

19 A. I don't believe so.

20 Q. Okay. You also mentioned neighboring
21 homes should be taken into consideration.

22 A. Yes.

23 Q. But earlier, as far as your view of this
24 first guiding principle, you phrased this to be

1 in terms of the entire City of Worthington, and
2 so I'm wondering why you're now focusing only on
3 neighboring homes as opposed to other homes
4 throughout the city?

5 A. Well, other homes as well, but if this
6 is going to be something that's developed, I
7 wouldn't hope that a line of homes on Larrimer,
8 for example, would look completely different
9 than any new residential development that could
10 be on the other side on the LC property.

11 Q. And as far as whether or not the
12 residential development on LC's property looks
13 harmonious with the neighboring homes or not,
14 who makes that decision, in your mind?

15 A. I guess that would ultimately fall to
16 council.

17 Q. And what standards, what policies would
18 council apply to make that determination?

19 A. I believe some of the documents, we look
20 at the codified ordinances, the zoning code,
21 design guidelines, things that have already been
22 looked at by the MPC and the ARB before their
23 decision would get to us as a whole, as council.

24 Q. Okay. So with respect to council's

1 determination as to whether or not the
2 residential homes proposed to be built on
3 Lifestyle's property are harmonious with the
4 neighboring homes --

5 A. And can I please add the comprehensive
6 plan would be another guiding document. I
7 apologize for missing that.

8 Q. You referenced the zoning code, design
9 guidelines, and the comprehensive plan, which
10 would be this Exhibit 7, correct?

11 A. That's correct. That portion of the
12 comprehensive plan.

13 Q. Yes. Anything else?

14 A. To the best of my knowledge, no.

15 Q. Similar question as it relates to your
16 testimony earlier, the development should feel
17 natural, what standards -- first of all, who
18 would make the determination as to whether or
19 not it felt natural, and it being a proposed
20 development on Lifestyle's property?

21 MR. SCHUMACHER: I'm going to interpose
22 an objection here. You can continue to ask her
23 questions about this document which was adopted
24 in January of 2022, but it clearly isn't

1 relevant to any issue in dispute, unless, of
2 course, you're just fishing for information
3 about why -- about a new proposal that your
4 client may be making for development of the
5 land. But seems to me we're wasting time to
6 talk about issues that are well past the issues
7 in dispute in the lawsuit.

8 MR. INGRAM: Counsel, I'd appreciate it
9 if you would refrain from your speaking
10 objections. You can make form objections.

11 But otherwise, please answer my
12 question.

13 MR. SCHUMACHER: Well, I'm making that
14 in a form objection so that you have an
15 opportunity to cure my objection. Go ahead.

16 MR. INGRAM: Do you recall the question?

17 THE WITNESS: Could you please repeat it
18 just so I make sure I'm answering properly.

19 (Record read as requested.)

20 A. Well, that's a two-part question. Which
21 part would you like me to answer first?

22 BY MR. INGRAM:

23 Q. First of all, who makes the
24 determination of whether a proposed development

1 of Lifestyle's property feels natural?

2 MR. SCHUMACHER: Objection. Same
3 objection.

4 A. I believe it's a combination of
5 residents, most importantly, opining on their
6 thoughts on what would be appropriate.

7 Procedurally, the MPC, the ARB, and City
8 Council.

9 Q. And as a member of City Council, how do
10 you gauge resident input; in other words, how do
11 you determine what the residents want or don't
12 want?

13 MR. SCHUMACHER: Objection. Asked and
14 answered.

15 A. I believe there's a lot of ways to
16 garner resident input. I mentioned emails that
17 have been sent to the city over time with their
18 opinions, some for and some against, you know,
19 development. Phone conversations, emails. I
20 can only find out the information from those
21 residents I speak with. So direct conversation
22 with residents is my way of determining, based
23 on more residents wanting something to what the
24 residents as a whole would like.

1 Q. What is the City of Worthington's
2 population, Ms. Brewer?

3 A. I believe it is just shy or pretty close
4 to 15,000.

5 Q. And in connection with garnering the
6 residents' opinions or views, do you solicit the
7 opinions or views from all 15,000 residents?

8 MR. SCHUMACHER: Objection.
9 Argumentative.

10 A. I would say the city does solicit that.
11 All of our meetings are public notice, in
12 various forms, so that all members of the
13 community, whether it's online, Facebook, posted
14 at the community center, every citizen has a
15 right to show up to the meetings, send us
16 emails, asking us questions. So everybody's
17 given the opportunity to indicate how they feel.

18 Q. So other than placing items on the
19 agenda and publishing the agenda before a City
20 Council meeting, any other -- are there any
21 other instances where the city's residents'
22 opinions or thoughts are solicited by the city?

23 MR. SCHUMACHER: Objection. Asked and
24 answered. Again, you can go ahead.

1 A. I believe those are the only methods
2 that I previously mentioned that the city
3 employs.

4 Q. So turning to the general components in
5 the amendment to the comprehensive plan that
6 applies to Lifestyle's property.

7 A. Exhibit 7?

8 Q. Yes, page 2 of Exhibit 7.

9 MR. SCHUMACHER: I'm sorry, what was the
10 date of this document?

11 MR. INGRAM: January 18.

12 MR. SCHUMACHER: 2022?

13 MR. INGRAM: Yeah.

14 MR. SCHUMACHER: Objection. Relevance.
15 You can answer.

16 A. Can you please ask the question again.

17 Q. I didn't even get the question yet. I
18 was just directing your attention to the page.

19 For the first general component listed
20 here, do you see the phrase "a large contiguous
21 green space"?

22 A. Yes, sir, I do.

23 Q. A large contiguous green space is
24 completely undefined, correct?

1 MR. SCHUMACHER: Objection.

2 A. In the context of this specific general
3 component, yes.

4 Q. So as a member of council and as its
5 liaison with the planning commission, what
6 constitutes green space?

7 MR. SCHUMACHER: Objection. Relevance.
8 You can answer.

9 A. My personal opinion as one of our
10 councilmembers is that green space is a space
11 that is just green and there's no development on
12 it. It's just a field, a best comparative noun.

13 Q. Okay. So property left in its natural
14 state, how about that?

15 A. Correct.

16 Q. What constitutes a large contiguous
17 green space?

18 A. My personal opinion is that it is a --
19 as opposed to broken up -- I know you can't --
20 you can't transcribe that, but broken up parcels
21 or pieces. I just think of it as a large space
22 unbroken by sidewalks, other development, in its
23 natural state, like you said.

24 Q. So you're cluing in on the contiguous

1 nature of the phrase.

2 A. Yes.

3 Q. Let me ask you about large. What's the
4 minimum number of acres on Lifestyle's property
5 that constitutes a large contiguous green space?

6 MR. SCHUMACHER: Objection. Relevance.
7 Can I have a continuing objection --

8 MR. INGRAM: Sure.

9 MR. SCHUMACHER: -- to the relevance of
10 a document that was generated January 18th of
11 2022? Is that a yes?

12 MR. INGRAM: Yes.

13 MR. SCHUMACHER: Thank you.

14 A. I don't have a specific figure in mind.

15 BY MR. INGRAM:

16 Q. Okay. Is there any guide or standard
17 that you would utilize to determine what
18 constitutes large in connection with this
19 general component being applied to Lifestyle's
20 property?

21 A. I don't believe so.

22 Q. Okay. Following along in that first
23 general component, the next phrase is central to
24 the property. Do you see that?

1 A. I do.

2 Q. Central to the property is likewise
3 undefined, correct?

4 A. Correct.

5 Q. So where specifically on Lifestyle's
6 property must this large contiguous green space
7 be located?

8 A. I think, as the name states, somewhat
9 towards the middle of the property.

10 Q. Okay.

11 A. It can be accessed by every person or
12 amenity on the property fairly easily.

13 Q. All right. Are you familiar with --
14 strike that.

15 Do you see the next phrase in that first
16 general component there's a reference to the
17 Tucker Creek acreage? Do you see that?

18 A. Yes, I do.

19 Q. Specifically, what is the Tucker Creek
20 acreage?

21 A. To the best of my knowledge, it is a
22 portion of the LC property that cannot be
23 developed.

24 Q. Okay. Now, the Tucker Creek is not in

1 the center of the property, though, is it?

2 A. No, it is not.

3 Q. All right. So under this first general
4 component, it says, a large contiguous green
5 space central to the property and inclusive of
6 the Tucker Creek acreage. Do you see that?

7 A. I do.

8 Q. So what all -- what portion of
9 Lifestyle's property does this first general
10 component entail?

11 A. The way that I was reading this is --
12 let me back up. I can't provide an answer to
13 that.

14 Q. Okay. Why not?

15 A. I don't know.

16 Q. Okay. Let's move, then, to the second
17 general component.

18 A. Okay.

19 Q. Do you see, with respect to the
20 commercial development, there's a reference to
21 select service-oriented retail?

22 A. Yes, I do see that portion.

23 Q. What constitutes select service-oriented
24 retail?

1 A. In my mind, I see restaurants, retail
2 such as, you know, clothing, things like that.
3 Those were the items that I had in mind for
4 service-oriented retail.

5 Q. And I'm getting -- what I want to
6 understand is, of all the various potential
7 retail uses that are service-oriented, this term
8 select, who gets to select which ones are
9 appropriate or not?

10 A. Well, applicants for any new development
11 in Worthington go through the Municipal Planning
12 Commission and the Architectural Review Board.
13 So again, I'm not the author of this document,
14 but in my mind, applicants going through the
15 proper channels for development is what this was
16 referencing, in my mind, what I foresaw it as.

17 Q. So the applicant could propose retail
18 uses in their site plan and there would be back
19 and forth with members of the planning
20 commission and city staff on the applicant's
21 proposal; is that fair?

22 A. Correct, consistent with how the process
23 goes with the city for new applicants.

24 Q. Based on general component to --

1 applicable to Lifestyle's property, what density
2 of commercial development is permitted under
3 this component?

4 A. You have to ask the author.

5 Q. It's not set forth in Exhibit 7, then?

6 A. Not in my reading.

7 Q. Okay. Let's move to the third general
8 component applicable to the development of
9 Lifestyle's property. Do you see the reference
10 there to -- the actual text, I should say, to
11 residential housing is desirable if it is
12 creatively executed? Do you see that?

13 A. Yes, I do.

14 Q. Okay. But creatively executed is not
15 defined, is it?

16 A. No, it is not.

17 Q. Who gets to decide whether the
18 residential housing proposed on Lifestyle's
19 property is, quote, creatively executed, end
20 quote?

21 A. I do not know.

22 Q. Are there any standards or policies by
23 the City of Worthington to guide any
24 decision-maker on whether a residential housing

1 proposal is creatively executed?

2 A. To the best of my knowledge, no.

3 Q. Looking at this third general component
4 applicable to Lifestyle's property, what types
5 of housing stock are permitted under this
6 component for Lifestyle's property?

7 MR. SCHUMACHER: Object to the word
8 permitted.

9 You can answer.

10 A. It depends on who you're asking. If
11 you're asking me personally, I think a mix of
12 single family, condominiums, apartments is
13 appropriate under this definition.

14 Q. And I'm asking you in connection with
15 you being a member of City Council, who, in
16 fact, moved that City Council adopt this very
17 text. Does that impact or change your prior
18 answer?

19 A. No, it does not.

20 Q. Thank you.

21 So with respect to Lifestyle's property,
22 what density of single family homes would be
23 appropriate under this third general component
24 on Lifestyle's property?

1 A. I would say similar density to the
2 surrounding neighborhood. I'm certainly not an
3 expert on density, but I would say low to medium
4 density.

5 Q. And with respect to the surrounding
6 neighborhood, to which neighborhood are you
7 referring?

8 A. Worthington Estates West.

9 MR. SCHUMACHER: Chris, we've been going
10 about 90 minutes. Can we take a break now?

11 MR. INGRAM: I'm almost to the end of
12 this line of questioning.

13 MR. SCHUMACHER: You --

14 MR. INGRAM: I'm with you, Paul. We can
15 take a break here in a minute. Let me wrap up
16 this line of questioning.

17 MR. SCHUMACHER: I've never run across
18 anyone like you.

19 BY MR. INGRAM:

20 Q. Same question with respect to the
21 density for apartments. So looking at this
22 third general component, what's an appropriate
23 density of apartments on Lifestyle's property?

24 MR. SCHUMACHER: Objection. I thought

1 she just answered that as to condominiums and
2 apartments.

3 A. I would repeat my previous answer, low
4 to medium density.

5 Q. For apartments and condominiums?

6 A. Yes.

7 Q. Because earlier I asked you about single
8 family homes, and you referenced Worthington
9 Estates.

10 MR. SCHUMACHER: I don't think that's
11 correct. I thought her answer was as to -- we
12 can read it back.

13 A. I guess, when I answered, I hadn't
14 thought -- I thought just as a whole whether or
15 not we had single family homes, apartments,
16 condominiums, that that be low to medium.

17 Q. Okay. Are there any apartments within
18 the Worthington Estates neighborhood?

19 A. To the best of my knowledge, no.

20 Q. Are there any condominiums in the
21 Worthington Estates neighborhood?

22 A. No. Surrounding, but not in.

23 Q. Okay. Since City Council adopted
24 Exhibit 7, no new guidelines for the development

1 of Lifestyle's property have been adopted,
2 correct?

3 A. Yes, that's correct.

4 MR. INGRAM: Now would be a good time
5 for a break.

6 (Recess.)

7 BY MR. INGRAM:

8 Q. Ms. Brewer, what steps has the city
9 taken to update the city's comprehensive plan
10 that guides the development of the -- of
11 Lifestyle's property since January 18?

12 MR. SCHUMACHER: Objection. Relevance.

13 Q. Of 2022, I should say.

14 MR. SCHUMACHER: Objection. Relevance.

15 A. We do have a 30-, 60-, 90-day planning
16 calendar that we use, and that has been
17 introduced on that document. I don't recall
18 which sector that's in, but it is in our future
19 plans.

20 Q. Okay. A 30-, 60-, 90-day planning
21 calendar, what's that?

22 A. It's a document that all the
23 councilmembers and acting city manager,
24 Ms. Stewart, has to just keep ideas in our heads

1 so we can look forward 30, 60 or 90 days as to
2 issues that we have, projects that we want to
3 look at. Just a way of keeping everything that
4 we're working on organized in more of a timely
5 manner.

6 Q. And with respect to this 30-, 60-,
7 90-day planning calendar that you referenced,
8 are there any concrete or specific proposals
9 that pertain to updating the comprehensive plan
10 that would be applicable to Lifestyle's
11 property?

12 MR. SCHUMACHER: Objection.

13 A. Can you repeat that? I apologize.

14 (Record read as requested.)

15 A. Nothing specific at this time, to the
16 best of my knowledge.

17 Q. Has the city taken any other steps
18 beyond the 30-, 60-, 90-day planning calendar
19 that you referenced to update its comprehensive
20 plan as it would apply to Lifestyle's property?

21 A. We have engaged a consulting firm in
22 starting a housing assessment and a housing
23 study for the city. It's not completed to date,
24 though.

1 Q. Is that the Poggemeyer assessment?

2 A. I don't know the exact name of the firm.

3 Q. So with respect to this housing study
4 that you referenced, when did that work
5 commence?

6 A. I can't recall the exact meeting, but it
7 was during this year, 2023, that the resolution
8 was introduced and approved to begin undertaking
9 the housing study.

10 Q. And when is the housing study scheduled
11 or contemplated to be complete?

12 A. I don't have the exact answer to that.

13 Q. Do you have any understanding of how --
14 the duration of the study? Is it going to take
15 months, weeks, years? That's all I'm asking.

16 MR. SCHUMACHER: Objection. Relevance.

17 A. I don't know. I'm not sure.

18 Q. And how would this housing study, in
19 your mind, pertain to any update of the
20 comprehensive plan that would be applicable to
21 Lifestyle's property?

22 A. In my mind, the purpose of the housing
23 study is to take an inventory of what the city
24 has in terms of various types of housing and

1 provide a recommendation for the city based on
2 what additional housing we need. And when I say
3 need, looking at external factors like the Intel
4 project. You know, residents have -- a lot of
5 older residents note that we don't have housing
6 stock right now that's something that they can
7 remain in Worthington. So I'm hopeful,
8 personally, that the study will tell us any
9 additional kind of housing that we need here and
10 what would help the city grow.

11 Q. And is this housing study particular to
12 Lifestyle's property, or is it broader than
13 that?

14 A. I believe it's the entire city.

15 Q. I'm going to direct your attention,
16 Ms. Brewer, to Exhibit 8.

17 A. Okay.

18 Q. And Exhibit 8, for purposes of the
19 record, are the meeting minutes from City
20 Council's February 7, 2022, meeting. Feel free
21 to review that. Let me know when you're done.

22 If it's helpful, Ms. Brewer, given the
23 length of Exhibit 8, I'll be directing my
24 questions to page 11. But feel free to read as

1 much as you want.

2 A. Thank you.

3 I've gone up to page 11, and if your
4 questioning's going to expand beyond that, I'll
5 keep reading, but if it's specifically limited
6 to 11, I'm happy to stop for time's sake.

7 Q. Fair enough. Just let me know, okay?
8 And so with respect to Exhibit 8, City Council
9 had a discussion item published on its agenda
10 for that meeting labeled, UMCH focus area
11 moratorium, correct?

12 A. Yes, that's correct.

13 Q. Okay. And so what's your understanding
14 of Council President Robinson's explanation that
15 evening that the moratorium has been met through
16 other meetings and there is no desire on my part
17 to pursue a moratorium at this point in time?

18 A. You would have to ask President
19 Robinson.

20 Q. You were there at the meeting, correct?

21 A. Yes, I was.

22 Q. Did he talk to you about the moratorium
23 after the January 18 hearing, so in between the
24 18th and the 7th?

1 A. I can't recall. I can't recall.

2 Q. Ordinance No. 4-2022 was dropped for
3 consideration, correct?

4 A. Yes. It was voted down. It was not
5 approved.

6 Q. Well, Ordinance No. 4-2022 was voted
7 upon in the January 18 hearing, correct?

8 A. Correct.

9 Q. However, a majority of council voted for
10 that ordinance, correct?

11 A. I apologize. You said Ordinance 4 -- I
12 apologize.

13 MR. SCHUMACHER: It is confusing.

14 A. I apologize.

15 MR. SCHUMACHER: Are you talking the
16 moratorium?

17 MR. INGRAM: I'm talking about the
18 moratorium.

19 A. Exhibit 6?

20 Q. Yes.

21 A. Yes, Exhibit 6 was voted upon and did
22 not pass. I apologize.

23 Q. Because Exhibit 6 required a super
24 majority, correct?

1 A. Correct.

2 Q. And the moratorium was discussed at the
3 council's following meeting on February 7th,
4 right?

5 A. Yes.

6 Q. However, City Council did not entertain
7 the moratorium ordinance after the 7th, correct?

8 A. According to these notes, that's
9 correct.

10 Q. Okay. And I'm asking you a slightly
11 different question. So after February 7th, City
12 Council has not passed a moratorium like what
13 was proposed in Ordinance No. 4-2022; is that
14 right?

15 A. That's correct.

16 Q. And members of City Council have a
17 retreat each year, correct?

18 A. Yes.

19 Q. Did you attend the 2022 council retreat?
20 I think it was held shortly after this February
21 7th meeting.

22 A. Yes.

23 Q. Was the redevelopment of Lifestyle's
24 property discussed at that retreat?

1 MR. SCHUMACHER: Objection. Relevance.

2 A. I don't recall if it was.

3 Q. Did you take any written notes from that
4 retreat?

5 A. I can't recall if I did or not.

6 Q. Are there any written summaries of what
7 City Council discussed at the retreat?

8 A. Yes. We had a moderator present, and I
9 believe that -- either the moderator or her
10 assistant documented things as we went that day.

11 Q. And who was the moderator in 2022?

12 A. I apologize. I can't remember.

13 Q. Who would know here at the city who
14 moderated that retreat?

15 A. Acting City Manager Ms. Stewart would
16 likely know.

17 Q. And Ms. Stewart, or the city staff,
18 would have copies of the moderator's written
19 summaries from that retreat; is that accurate?

20 A. Yes, it is.

21 Q. Has Lifestyle's property been discussed
22 during any other council retreat that you
23 attended, to your knowledge?

24 A. To the best of my knowledge, no.

1 Q. Following the vote to amend the
2 comprehensive plan as it pertains to Lifestyle's
3 property, did you ever meet with members of
4 planning commission to discuss the future
5 development of Lifestyle's property?

6 A. No.

7 Q. Do you recall President Robinson
8 emailing the chairman of the planning commission
9 to schedule a meeting to discuss the development
10 of Lifestyle's property?

11 A. You would have to ask President
12 Robinson.

13 --0--

14 (Deposition Exhibit 52 marked.)

15 --0--

16 BY MR. INGRAM:

17 Q. Ms. Brewer, you've been handed what was
18 marked as Exhibit 52, which is an email from
19 David Robinson CC'ing you, dated January 20th,
20 2022. Do you see that?

21 A. I do see that.

22 Q. And just for purposes of the record,
23 katy.brewer@worthington.org is your City Council
24 email address?

1 A. Yes, sir, that's correct.

2 Q. So do you recall receiving Exhibit 52?

3 A. I don't specifically recall receiving
4 it.

5 Q. Does this email chain set forth in
6 Exhibit 52 refresh your recollection on
7 President Robinson's communications concerning
8 the future development of Lifestyle's property?

9 A. I don't specifically recall this email
10 chain, but I acknowledge I'm copied on it.

11 Q. Do you have any reason to believe that
12 you would not have read or received this email?

13 A. No.

14 Q. Okay. So after you received this email
15 from January 20th of 2022, did you have any
16 meetings or discussions with Mr. Coulter or
17 other members of the planning commission
18 concerning Lifestyle's property?

19 MR. SCHUMACHER: Objection. Relevance.

20 A. I don't recall.

21 Q. You don't know one way or the other?

22 A. No, I don't.

23 Q. Did you have any meetings with
24 Mr. Robinson about the future development of

1 Lifestyle's property after receiving Exhibit 52?

2 A. I don't specifically recall.

3 Q. How about with Mr. Brown, who's also
4 CC'd on this email chain?

5 A. I don't recall.

6 Q. Councilmember Brewer, to your knowledge,
7 have members of council discussed purchasing the
8 UMCH property from Lifestyles?

9 A. Yes.

10 Q. And when was that?

11 MR. SCHUMACHER: Objection, to the
12 extent that this invades the attorney-client
13 communication privilege and Rule 408. We
14 obviously entered in negotiations with you once
15 the lawsuit was filed, so I don't want her to
16 talk about that.

17 Q. You understand your counsel's
18 instruction?

19 A. Yes, I do.

20 Q. Okay. And so the discussions you're
21 referencing, did any of those occur outside of
22 your counsel's instruction?

23 A. Yes.

24 Q. And please tell me about those

1 discussions you're referencing.

2 A. Mr. Robinson had referenced a thought of
3 possible acquisition. I don't recall the
4 timeline for that.

5 Q. Would that have -- would Mr. Robinson's
6 discussions of acquiring Lifestyle's property --
7 did that occur while you were a member of
8 council or before?

9 A. While I was a member of council.

10 Q. And do you recall just approximately
11 when within the last two years?

12 A. I don't.

13 Q. Okay. Any other conversations from
14 fellow council members regarding the acquisition
15 of Lifestyle's property?

16 A. No.

17 Q. Okay. And what all did Mr. Robinson
18 discuss in connection with the acquisition of
19 Lifestyle's property?

20 MR. SCHUMACHER: Objection. Relevance.

21 You can answer.

22 A. I don't recall with specificity what he
23 had discussed, but I just remember a discussion
24 happening.

1 Q. who all was party to that discussion?

2 who all was present?

3 A. I believe just myself and Mr. Robinson,
4 and I don't recall if it was in person or on the
5 phone.

6 Q. Okay. Do you communicate via text
7 message with Mr. Robinson about city council
8 matters?

9 A. No.

10 Q. Have you ever texted any member of
11 council or city staff concerning Lifestyle's
12 property?

13 A. Not to the best of my knowledge.

14 Q. Councilmember Brewer, to your knowledge,
15 have any city officials discussed purchasing any
16 portion of Lifestyle's property?

17 A. You have to ask those city officials.

18 Q. So nothing to your knowledge?

19 A. Nothing to the best of my knowledge.

20 Q. Councilmember Brewer, what steps have
21 you taken to identify what development the city
22 wants on Lifestyle's property, if anything?

23 MR. SCHUMACHER: Objection. Relevance.

24 A. Can you repeat the question? I

1 apologize.

2 (Record read as requested.)

3 A. When you say the city, are you referring
4 to capital C, the city, or the residents of the
5 city?

6 Q. Capital C, the city.

7 A. Capital C, the city, since the lawsuit,
8 nothing publicly has been said, that I'm aware
9 of.

10 Q. How about privately? And I'm not asking
11 about -- being mindful of your counsel's prior
12 instruction -- any private discussions.

13 A. Nothing, to the best of my knowledge.

14 Q. Earlier you referenced an email that you
15 had reviewed in preparation for your deposition.
16 Do you recall that? An email from a resident.

17 A. Yes.

18 ==0==

19 (Deposition Exhibit 53 marked.)

20 ==0==

21 A. Okay.

22 Q. Ms. Brewer, I've handed you what's been
23 marked as Exhibit 53, which is an email reply
24 from you to President Robinson and George

1 Bleimes, B-L-E-I-M-E-S, Bates number Worthington
2 42827 through 42828. Do you see that?

3 A. I do.

4 Q. Is Exhibit 53 the email that you
5 reviewed to prepare for your deposition?

6 A. Yes, it is.

7 Q. And why did you review this email to
8 prepare for your deposition out of all the
9 emails?

10 MR. SCHUMACHER: Objection, to the
11 extent that invades the attorney-client
12 communication and work product.

13 A. I'll defer to my counsel.

14 MR. SCHUMACHER: You can answer.

15 A. I believe this was an email that I had
16 turned over during the discovery process.

17 Q. Okay. I'm just asking because it's not
18 the only email, and I was just curious that you
19 chose this one.

20 MR. SCHUMACHER: Is that your question?
21 She answered your question.

22 Q. Was this the only email you reviewed to
23 prepare for your deposition today?

24 A. Yes.

1 Q. Directing your attention to item number
2 2 in your email, do you see that?

3 A. In my email or Mr. Bleimes'?

4 Q. In your reply.

5 A. Okay.

6 MR. SCHUMACHER: Can I note an objection
7 to the relevancy of this document?

8 MR. INGRAM: Sure.

9 MR. SCHUMACHER: Thank you.

10 BY MR. SCHUMACHER:

11 Q. You wrote in your reply email here, I
12 can only speak for my personal views on this
13 matter, but my hope is that the UMCH site will
14 be developed with many different uses,
15 commercial for more restaurants, possible small
16 office space, a variety of housing options, and
17 yes, a large green space for the community.

18 Is that correct?

19 A. Yes, that is.

20 Q. With respect to this large green space
21 for the community that you're referencing, can
22 you describe what you have in mind for this
23 large screen space for the community?

24 A. My personal thought is somewhere the

1 kids can play a variety of sports, maybe have
2 events on the space. Just a space that could be
3 multifaceted in its use.

4 Q. How much of the UMCH site should be
5 dedicated to this large green space for the
6 community?

7 A. If I can reference one of my favorite
8 Supreme Court cases, it's like the Supreme Court
9 defines pornography, I don't have an exact
10 definition, but when I know it I'll see it.
11 I'll know, in my personal opinion, and based on
12 recommendations from ARB and MPC, if something
13 is proposed where green space is supported by
14 the required amount of density on that property.
15 I'm not an expert in -- let me back up.

16 I know that to make green space, I
17 guess, make sense within a community, you have
18 to have density around it for residents to use
19 the green space. Again, I'm not an expert on
20 land use. I'm not an expert on real estate.
21 But I will rely on the opinion of those experts
22 and city staff to what an appropriate size green
23 space is, based on the other uses on the
24 property as well.

1 Q. Okay. And so would it make sense, then,
2 to have apartments near or around this green
3 space you're referencing?

4 A. I believe it would make sense to have a
5 variety of housing uses, yes, including
6 apartments.

7 Q. Okay. And how about townhomes?

8 A. Yes.

9 Q. And single family homes?

10 A. Yes.

11 Q. You also reference in your reply email
12 that you and Councilmember Bucher held a forum
13 concerning the Lifestyle property?

14 A. Yes.

15 Q. Where was the forum held?

16 A. It was at the COhatch in downtown
17 worthington. I don't remember the building it's
18 above, but the COhatch in downtown Worthington.

19 Q. I thought I saw a reference to that on a
20 Facebook post. I think it said eight people had
21 marked or responded that they were attending.
22 About how many people attended that forum?

23 MR. SCHUMACHER: Objection. Relevance.

24 You can answer.

1 A. I don't have an exact figure, but the
2 room was full. I don't know the fire code
3 limits on the room, but it was full of people.

4 Q. Okay. Did you have a sign-in sheet?

5 A. I don't recall.

6 Q. Was that the first time you held a forum
7 concerning Lifestyle's property?

8 A. Yes, it was.

9 Q. And was that the last time you held a
10 forum concerning Lifestyle's property?

11 A. Yes, it was.

12 Q. Why did you hold the forum after you
13 voted to amend the comprehensive plan as it
14 pertained to Lifestyle's property?

15 MR. SCHUMACHER: Same objection.

16 You can answer.

17 A. I had anticipated there would be mixed
18 feedback on the issue, and I did get a good
19 amount of negative feedback, and I wanted to
20 present an opportunity to be transparent about
21 the reasons I voted like I did. And I know
22 Mr. Bucher wanted the same opportunity to talk
23 to residents about discussing why he voted like
24 he voted.

1 Q. And when you say negative feedback, are
2 you referring to negative feedback as to your
3 support for the resolution?

4 A. Not necessarily the resolution, but the
5 manner in which it was voted upon without being
6 on the agenda.

7 MR. INGRAM: Okay. Councilmember
8 Brewer, at this time, I don't have any further
9 questions for you. However, the city's counsel
10 has indicated to us that they have not exhausted
11 their production of documents, so I may yet
12 still have additional questions for you, so I'm
13 going to leave your deposition open today.
14 okay?

15 THE WITNESS: Okay.

16 MR. INGRAM: Thank you.

17 --O--

18 Thereupon, the testimony of October
19 11, 2023, was concluded at 12:37 p.m.

20 --O--

21

22

23

24

CERTIFICATE

STATE OF OHIO :
SS:
COUNTY OF FRANKLIN :

I, Rhonda Lawrence, a stenographic court reporter and notary public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named KATHERINE BREWER was first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given was taken down by me stenographically in the presence of said witness, afterwards transcribed; that the foregoing is a true and correct transcript of the testimony; that this deposition was taken at the time and place in the foregoing caption specified.

I certify that I am not a relative or employee of any attorney or counsel employed by the parties hereto and that I am not financially interested in the action. I further certify review of the transcript was not requested.

In witness whereof, I have hereunto set my hand at Columbus, Ohio, on this 25th day of October, 2023.

Rhonda Lawrence

Rhonda Lawrence
Notary Public, State of Ohio

My commission expires: October 9, 2028

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